

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

For Online Publication Only

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In the Matter of the Application of JOSE
MEDRANO,

Petitioner,
-against-

PAUL J. MARGIOTTA, ESQ., Executive Director,
the Suffolk County Traffic and Parking Violation
Agency; ALLEN S. MATHERS, ESQ., a Judicial
Hearing Officer at the Suffolk County Traffic and
Parking Violation Agency; PAUL H. SENZER,
ESQ., a Judicial Hearing Officer at the Suffolk
County Traffic and Parking Violation Agency; and
ADAM HALPERN, ESQ., a Traffic Prosecutor at
the Suffolk County Traffic and Parking Violation
Agency,

Respondents.

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ORDER ADOPTING REPORT
AND RECOMMENDATION
15-CV-3704 (JMA)(ARL)

FILED
CLERK

3/3/2017 4:44 pm

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

AZRACK, United States District Judge:

Petitioner Jose Medrano brings this special proceeding under Article 78 of the N.Y.C.P.L.R. against the four respondents named above. The respondents, who removed the proceeding to this Court, have moved to dismiss. The Court sua sponte directed the parties to address whether the Court has subject matter jurisdiction over this action. The Court then referred the motion to dismiss to the Honorable Arlene R. Lindsay, United States Magistrate Judge, for a report and recommendation. In a Report and Recommendation dated February 16, 2017 (“the R&R”), Magistrate Judge Lindsay recommended that this removed matter be remanded to state court.

No party has objected to the R & R, and the time for doing so has passed. When deciding whether to adopt a report and recommendation, a district court “may accept, reject, or modify, in

whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y.2011) (internal quotation marks and citation omitted). The Court has reviewed the record and, finding no clear error, adopts the R & R as the opinion of the Court. The Court hereby remands this action back to state court. The Clerk of Court is directed to close this case.

SO ORDERED.

Date: March 3, 2017
Central Islip, New York

/s/ (JMA)
Joan M. Azrack
United States District Judge